HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 19th August 1965.

G. S. R. 644.—The following draft of the Mysore Prohibition (Bottling) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 124 of the Mysore Prohibition Act, 1961 (Mysore Act No. 17 of 1962) and in supersession of all rules, notifications, orders on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, is hereby published as required by sub-section (3) of Section 124 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 15th October 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore with respect to the said draft rules before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to the Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES.

THE MYSORE PROHIBITION (BOTTLING) RULES, 1965.

1. Title, extent and commencement.—(1) These rules may be called the Mysore Prohibition (Bottling of Liquor) Rules, 1965.

(2) They shall extend to all the areas of the State where the Mysore Prohibition Act, 1961 is in force.

(3) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires :—

(*a*) "Act" means the Mysore Prohibition Act, 1961;

(*b*) 'Form' means a form appended to these rules ;

(*c*) 'Licence' means a licence granted under these rules ;

(*d*) 'Warehouse' means a warehouse established or licensed under clause (*d*) of Section 18 of the Act or any premises specially licensed for the purpose of these rules and includes a distillery established under clause (a) of Section 18 of the Act ;

(*e*) 'Warehouse Officer' means the Prohibition or Excise Officer placed in charge of a warehouse.

3. Restrictions on the grant of Licenses to Bottle Liquor.—(*a*) Liquor shall not be bottled except at a warehouse;

(*b*) No person shall be granted a licence to bottle liquor unless he holds licence for the distillation or manufacture of liquor or a Trade and Import licence or a licence for compounding, blending or reducing of liquors or any other licence which requires the possession of a bottling licence ;

(*c*) No person shall be granted a licence to bottle liquor unless he holds (1) a trade and import licence or (2) a retailers licence for sale of liquor and (3) any other licence which requires the possession of bottling licence.

4. Application for Licence.—A person holding any of the licences specified in rule 3 and desirous of obtaining a licence to bottle liquor may make an application to the Commissioner specifying the Warehouse in which the operation of bottling liquor is to be carried on together with a detailed plan thereof.

5. Arrangement of Warehouse.—(*a*) Separate rooms or compartments having their grilles embedded in cement shall be provided in every warehouse in which bottling operations are intended to be carried on. Each such room or compartment shall be used only for one of the purposes specified below, namely,—

(i) the storage of liquor in bulk before bottling;

(ii) the carrying on of bottling operations and

(iii) the storage of liquor in sealed bottles,

(*b*) Every room or compartment in the warehouse shall be well ventilated and all the windows thereof shall be securely barred and wire-netted, the net having a mesh of not more than one inch. Every such room or compartment shall bear on the outside a sign board on which shall be legibly painted in oil colour the purpose for which the room or compartment is used. At the close of each working day the warehouse and every room or compartment therein shall be looked by the licensee and the Warehouse Officer with separate locks ;

(*c*) After a license has been granted under rule 6 no additions to or alterations in any room or compartment or any of the permanent fixtures of the warehouse shall be made without the previous approval of the Deputy Commissioner ;

(*d*) The licensee shall provide free of cost suitable office accommodation, with sanitary arrangements for the Warehouse Officer and his staff, within the premises of the warehouse and shall also supply free of cost such furniture and other articles for the use of the Warehouse Officer and his staff as the Deputy Commissioner may consider necessary ;

(*e*) No smoking or any naked lights or fire shall be allowed within the premises of the Warehouse.

6. Grant of License.—If after making such enquiries as he may deem necessary the Commissioner is satisfied that the applicant is a fit person to hold a license and that the warehouse in which he proposes to carry on the bottling operations is suitable, he shall, subject to the conditions hereinafter provided grant a license on paynent of a fee of Rs. 1000 per annum.

7. Duration of License.—The license shall be granted in Form M. P. B. I. and shall take effect from the day specified

therein and shall remain in force until 31st March next following the date of commencement of the license.

8. Conditions to be Observed by the Licensee.—The licensee other than one holding a license for the manufacture of liquors shall when the Commissioner so directs, observe the following conditions, namely :—

(*a*) He shall give 6 hours notice of his intention to bottle liquor to the Warehouse Officer ;

(*b*) He shall not carry on the bottling operations except in the presence of the Warehouse Officer or such other Officers as may be deputed in that behalf ;

(*c*) He shall not carry on bottling operations except during the hours prescribed in the license.

9. Rent of Warehouse.—(*a*) If the warehouse in which the bottling operation is to be carried on, is a warehouse established under clause (*d*) section 18 of the Act, the licensee shall pay such monthly rent for the portion of the warehouse placed in his possession as the Commissioner may think.

(*b*) If the warehouse in which the bottling operations are to be carried on is not a Private warehouse, the licensee shall remove from the warehouse the whole consignment of liquor deposited therein for the purpose of these rules either in whole or in parts within a fortnight (excluding Sundays and holidays) from the date of receipt thereof in the warehouse. If any liquor remains in the warehouse for a period exceeding a fortnight the licensee shall pay rent at such rate as the Commissioner may, from time to time, in this behalf in addition to the rent payable under sub-clause (*a*)

10. Cost of Supervisory Staff.—The Commissioner may appoint such Prohibition and or Excise Staff as, in his opinion, is necessary for the proper supervision of the operations performed in the warehouse and the licensee shall pay in advance to Government at the begining of each quarter, the cost including the pension. Contribution,

house rent allowance, conveyance allowance and other charges of the supervisory staff as may be fixed by the Commissioner.

11. Fee for Examination of Samples.—The licensee shall pay such fee not exceeding Rs. 5 as the Commissioner may fix for each examination of a sample made by the Chemical Analyser to Government under these rules.

12. Notice for discontinuing Bottling Operations.—The licensee shall not discontinue the bottling operations unless he has given three clear calendar months' notice of his intention to do so.

13. What Spirits may be Bottled.—(*a*) No spirit of a strength lower than 35° U. P. in the case of gin, and 25° U. P. in the case of other potable spirits or lower than such strengths as may, from time to time, be fixed by the Commissioner for such spirits shall be bottled:

Provided that duty paid on imported spirit which is of a strength lower than 25° U. P. and any liquors which are obscured in strength may be bottled;

(*b*) No spirit which has not been allowed to settle in a woodenvat or receptacle for at least 36 hours after it has been finally compounded shall be bottled;

(*c*) No Indian-made spirit, the obscured strength of which is lower than 35° U. P. shall be bottled.

14. Accounts and Storage.—(*a*) No liquor shall be bottled unless an account of the quantity of the liquor and in the case of spirits the strength thereof, has been taken by the Warehouse Officer;

(*b*) The licensee shall keep, in a book, true accounts of the quntity of all liquor used in the bottling operations. The account book shall remain in the custody of the Warehouse Officer who shall check the accounts at the end of each day's work;

(*c*) The licensee shall store all liquor intended for bottling in casks or containers. Each cask or container

shall bear a serial number and a description of its capacity. No alteration shall be made in the casks or containers, nor any devise be used which is likely to render the accounts of the liquor contained in any such cask or container unreliable or checking thereof by the Warehouse Officer difficult.

15. **Procedure before starting bottling operations.**—(*a*) Before commencing the bottling operation, the licensee shall make an application to the Warehouse Officer giving full description of the liquors to be bottled.

(*b*) The Warehouse Officer shall, before the liquor is removed from the store room to the bottling room;

(*i*) Compare the marks stated in the application with those on the casks or containers containing the liquor to be bottled,

(*ii*) ascertain the actual quantity of the liquor by re-gauging the casks or containers and also the strength in the case of spirits, and

(*iii*) record the quantity and strength so ascertained on the application.

(*c*) All the liquor intended for bottling shall be removed from the store room to the bottling room in the presence of the Warehouse Officer and shall be bottled in the bottling room. No other operation shall be performed in the room at the same time;

(*d*) All the operations in the bottling room shall be performed in the presence of the Warehouse Officer.

16. **Cleaning of bottles and bottling of liquor.**—(*a*) The bottles shall be cleaned and rinsed immediately before bottling commences, with a freshly prepared solution of permanganate of potash in the proportion of one grain to one gallon of water, or any other of the disinfectants of such strength as may from time to time be prescribed by the Commissioner;

(*b*) Each bottle shall contain either one litre or 3/4 litre or 1/2 litre or 2/10 litre or 1/10 litre;

(*c*) The bottles shall, as soon as they are filled, be corked and sealed or capsuled. Each bottle shall bear a label, the design and superscription which have been previously approved by the Commissioner and shall show:—

(1) the brand and description of the liquor contained therein; (including the strength);

(2) the country of origin of manufacture;

(3) the fact that the compounding or blending if any, was done in India.

(4) the place of bottling;

(5) the full name of the licensee; and

(6) the full name of the manufacturer.

No particulars other than those specified above shall be printed or shown on the same or any other label or the bottles;

(*d*) The lables or capsules shall bear words "Bottled in the Excise Bonded Warehouse".....but should not in any way mis-describe the bottling operations,

(*e*) All bottles containing wines or spirits shall have either lead capsules properly fixed with a capsuling machine or paper capsules, of a pattern approved by the Commissioner which shall be gummed over the cork and round the neck of the bottle.

The Warehouse Officer shall see that the labelling and corking of bottles have not been done in contravention of the provisions of the Indian Merchandise Marks Act, 1889

(*f*) The whole of the contents of a cask or container shall be bottled in one operation. When the bottling operation is completed the Warehouse Officer shall ascertain the quantities and in the case of spirits, also the strength and adjust the licensee's accounts by writing off ullage and wastage;

(g) The bottles shall be packed immediately after filling. Each package shall contain half a dozen or a dozen or multiplies of half a dozen of bottles and each package shall be of uniform size The Warehouse Officer shall satisfy himself that each package contains the appropriate number of bottles and see that the packages are closed at once and fastened ;

(h) Rebottling shall not be carried out without the previous permission of the Commissioner ;

(i) The Warehouse Officer shall record all the details in the register kept for that purpose.

17. Cleaning of premises.—After each bottling operation, the warehouse shall be cleaned by the licensee to the satisfaction of the Warehouse Officer.

18. Samples for analysis.—The licensee shall allow samples upto 1/5 of a litre bottle, of each kind of liquor to be taken free of cost by the Warehouse Officer whenever required by him for being sent to the Chemical Analyser to Government for Chemical Analysis. The Warehouse Officer shall give the licensee a written acknowledgment for the sample or samples taken by him for analysis.

LICENCE FOR THE BOTTLING OF LIQUORS.

Licence No. and Date. *District*

Licence is hereby granted to ..... (hereinafter called as "The Licensee") on payment of a licence fee of Rs. 1,000 per annum authorising him to bottle liquors under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules regulations and orders made thereunder at the warehouse situated at ..... (hereinafter called as "The Licensed Premises") during the period from ..... to 31st March 19..... subject to the following conditions, namely :—

Conditions.

1. The licensee shall not bottle liquor except at the licensed premises and under the supervision of the Warehouse Officer.

2. The licensee shall not dilute or strengthen the liquor permitted to be bottled under the licence unless he holds a licence in Form M. P. C

3. The licensee shall not on any day carry on operations of bottling after 5-30 P.M. (Indian Standard Time) or before 9 A.M. nor shall he carry on any day the said operations between 1 P.M. and 2 P.M. nor on Sunday and Public Holidays sanctioned by Government.

4. The licensee shall provide suitable office accommodation with sanitary arrangements free of cost for the Warehouse Officer and his staff within the premises and shall also supply such furniture and other articles free of cost for the use of the Warehouse Officer and his staff as the Deputy Commissioner may consider necessary.

5. No Smoking or naked lights or fire shall be allowed within the premises of the warehouse.

6. The licensee shall always give 6 hours notice of his intention of bottling liquor to the Warehouse Offices.

7. The licensee shall not carry on the bottling operations except in the presence of the Warehouse Officer or such other Officer as the Deputy Commissioner may depute in that behalf.

8. The licensee shall display the license in a conspicuous place.

9. The licensee shall not discontinue the bottling operations unless he has given three clear calendar months notice of his intention to do so.

10. At the end of each working day the licensed room or compartment (s) shall be locked by the licensee and Warehouse Officer with separate locks.

11. The licensee shall maintain accounts of all liquors used in the bottling operations and the number of bottles bottled every day.

12. Except with the written permission of the Prohibition Commissioner the licensee shall not sell, transfer or sublet the right conferred upon him by this license nor shall he in connection with the exercise of the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Prohibition Commissioner on such question shall be final and binding on the licensee.

13. No person shall be recognised as a partner of the licensee for the purpose of this license unless the partnership has been declared by the Deputy Commissioner before the license is granted and the name (s) of the partner (s) have been entered jointly in the license or if the partnership is entered into after the granting of the license unless the Deputy Commissioner agrees on application made to him to alter the license and to add the name or names of the partner or partners in the license.

14. The licensee shall maintain in his Warehouse such measures as may be prescribed by the Deputy Commissioner in this behalf.

15. The licensee, his successors or assignees shall have no claim whatsoever to the continuance or renewal of license after the expiry of the period for which it is granted. If shall be entirely within the discretion of the Deputy Commissioner whether to permit or not to permit in case of sale or transfer the assignee of the licensee to have the benefit of the license for the unexpired portion of the term for which it is granted.

16. The license may be suspended or cancelled in accordance with the provisions of section 45 of the Mysore Prohibition Act, 1961.

17. The licensee shall pay the Government every quarter in advance the sum of Rs.....being the cost of the supervisory staff as detailed below.

Granted this.....day of.....19

Seal of the Prohibition Commissioner.

Prohibition Commissioner
....District.

[No. HD 73 EFL 62.]

By Order and in the name of the Governor of Mysore,

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M. S. SHANKARA RAO, *Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.